REMARKS

The January 11, 2008 Office Action was based upon pending Claims 1, 2, 5-11, 13-15 and 17-26. Claims 1, 9, 17, 20, 21, 22, 24, and 25 are amended by this paper. Thus, after entry of this Amendment, Claims 1, 2, 5-11, 13-15 and 17-26 are pending and presented for further consideration.

REJECTION OF CLAIMS 1, 2, 5-11, 13-15, 17-20, AND 21-26 FOR NONSTATUTORY OBVIOUSNESS-TYPE DOUBLE PATENTING

The Examiner rejects Claims 1, 2, 5-11, 13-15 and 17-20 on the grounds of nonstatutory obviousness type double patenting over claims 1, 2, 5-11, and 13-20 of U.S. Patent No. 6,727,920 in view of Bertram US Patent 5,134,580. The Examiner further rejects Claims 21-26 on the grounds of nonstatutory obviousness type double patenting over claims 1, 2, 5-11, and 13-20 of U.S. Patent No. 6,727,920 in view of admitted prior art (APA).

The Applicants note the nonstatutory obviousness-type double patenting rejection and will consider timely filing of a terminal disclaimer should the claims be found otherwise allowable and should the amendments and remarks of this paper fail to overcome the obviousness-type double patenting rejection.

In the Office Action, the Examiner rejects Claims 1, 5, 17, and 20 under 35 U.S.C. § 102(b) as being anticipated by Bertram et al. (U.S. Patent No. 5,134,580). The Applicants have carefully reviewed the Bertram et al. reference and respectfully note that Bertram et al. fails to anticipate each and every aspect of the Applicants' invention as claimed as amended by this paper. For example, Bertram et al. describes a computer system with read-only memory and permanent read/write memory to provide the user with the capability of loading an alternate operating system at the conclusion of a session without turning the computer off and then on. A user is enabled a degree of freedom in initializing the computer to a selected operating system different from the operating system stored in ROM, to a selected application, or to a personalized version of the operating system stored in ROM. Flags are inspected, and if set, the diskette drive and the fixed disk drive are addressed in order to load an alternate operating system. The initialization routine can be instructed to try the diskette first and then go to built-in DOS or the computer can be instructed to try the diskette first and then try the fixed disk. For example, if the user desires to repeatedly bring up an alternate operating system, the BT bits will be set to 01 in

order to instruct the initialization routine to go to the diskette drive rather than to use the IBM DOS located in ROM. Should the alternate system be on the fixed disk drive, the BT bits will be set to 10 (*c.f.* Col. 2, ll. 36-41; Col. 4, ll. 60-63; Col. 6, ll. 9-13; and Col. 7, ll. 31-37).

In contrast, embodiments of the Applicant's invention include the aspect of the plurality of operating systems being stored on a user rewritable storage media, rather than a DOS operating system stored in ROM and an alternate operating system stored on a diskette as in the Bertram et al. system.

Bertram et al. further describes a system having customizing bits which enable the user to temporarily change the startup sequence by setting the alternate system request customizing bit (SR bit) through manually operated indicia such as the pressing of an appropriate combination of keys after bringing up the ROM shell screen shown in Figure 2. Then the combination of keys action is sensed, the SR bit is set and the computer is automatically initialized and the operating system or gain found in the diskette drive or on a fixed drive. During the reinitialization, the SR bit is reset so that future initializations will be in the expected operating system and not in the alternate system request mode. The SR bit located in CMOS 18 is set at step 123 and the system menu routine then forces a system reset at step 124 as though the machine had been turned off and then restarted. A self test is begun at step 125, after which the SR bit is tested at step 126 and reset at step 127. The diskette drive 14 is then checked at step 128 to determine whether the user has placed the desired alternate system or game on that drive. If so, the alternate system is loaded at step 129 and the machine is ready. If not, the fixed disk drive 15 is addressed at step 130 and the alternate system is loaded at step 131. If no alternate system is present on a system drive, a return is made for a normal system initialization such as begins at step 25 of Figure 3. (*c.f.* Col. 9, ll. 5-17 and 29-42).

In contrast, embodiments of the Applicant's invention as claimed following the amendments of this paper, include the aspects of setting the default operating system for a load utility installed on said electronic device to correspond to the operating system selected with the activatable control and automatically inducing the electronic device to reboot for operation under the selected operating system, wherein the selected operating system remains the default operating system, absent further user selection. (Claim 1 as currently amended. Similar amendments are made to the other base claims 9, 17, 21, and 24.)

The Applicants thus respectfully note that Bertram et al. fails to anticipate each and every aspect of the Applicants' claimed invention. The Applicants thus request that the rejection under 35 U.S.C. § 102(b) of Claims 1, 5, 9, 17, and 20 be withdrawn.

The Examiner also rejects Claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Bertram and Shoji et al. (U.S. Patent No. 6,031,527). Claims 6, 7, 13, and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bertram et al. and Lister et al. (U.S. Patent No. 5,966,540). Claims 8 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bertram et al. and Nguyen et al. (U.S. Patent No. 5,887,163). Claim 17 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Bertram et al. and Dean et al. (U.S. Patent No. 6,202,206). Claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Bertram et al., Dean et al. and Stein (U.S. Patent No. 5,684,952). Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Bertram et al., Dean et al. and Dougherty (U.S. Patent No. 6,076,734). Claims 2, 10, and 21-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bertram et al. and the admitted prior art (APA).

The Applicants have carefully reviewed the Lister et al., the Nguyen et al., the Dean et al., the Stein, the Dougherty, and the APA and respectfully note that these references taken in combination with the Bertram et al. also fail to anticipate each and every aspect of the Applicants' invention as claimed following the amendments of this paper. The Applicants further believe that the ordinary artisan at the time of invention would not have found the Applicants' invention to be obvious considering the teaching of the art of record, the level of ordinary skill and the nature of the problems addressed. The Applicant thus believes that Claims 11, 6, 7, 13, 14, 8, 15, 17, 18, 19, 2, 10, and 21-26 are patentable under the requirements of 35 U.S.C. § 103(a) and respectfully request that the rejection of these claims be withdrawn.

No Disclaimers or Disavowals

Although the present communication includes alterations to the claims and characterizations of claim scope and referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present

disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

Serial Number	Atty Docket No.	Title	Filed
09/266,325 now USPN 6,727,920	MTIPAT.178A	MULTIPLE OPERATING SYSTEM QUICK BOOT UTILITY	March 11, 1999

Copies of the patents, applications, and pending claims, including any office actions, Applicants'' responses, and notices of allowance, are available through PAIR. However, if the Examiner so requests, Applicant will be happy to provide the Examiner with copies of any patents, applications, pending claims, office actions, allowances, or any other documents, at any time.

Appl. No.   :   10/808,221
Filed   :   March 23, 2004

CONCLUSION

Although amendments have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Furthermore, any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved. Also, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: April 11, 2008   By: _____
                                    James W. Ausley
                                    Registration No. 49,076
                                    Agent of Record
                                    Customer No. 20,995
                                    (951) 781-9231

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